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C O N F I D E N T I A L SECTION 01 OF 02 MANILA 000251

SIPDIS

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SUBJECT: PARTIES SHARE DRAFT PEACE ACCORDS, BUT POSITIONS
ARE FAR APART

REF: MANILA 0073 (GOVERNMENT RACING AGAINST TIME FOR
MILF PEACE AGREEMENT)

Classified By: Charge d'Affaires, a.i. Leslie A. Bassett,
reasons 1.4 (b) and (d).

¶1. (C) SUMMARY: Negotiators from the Philippine government and the insurgent Moro Islamic Liberation Front (MILF) met January 27-28 in Kuala Lumpur to exchange first drafts of a final peace agreement, and assessed that their positions were too distant to allow for a comprehensive settlement by the end of President Arroyo's term in June. Nonetheless, Philippine Peace Panel Chairman Rafael Seguis told the Charge d'Affaires February 2 he is "cautiously optimistic" that some sort of interim agreement, based on a few areas of consensus, could be worked out within the next several months. According to Seguis, the MILF seeks a firm commitment before signing a peace deal that the government would take steps later on to establish a new Muslim autonomous region through constitutional amendment -- a non-starter, from the government's point of view, since such changes can only be proposed by Congress, not the executive branch. The government instead prefers to focus on short-term deliverables that can be achieved through executive actions or legislative remedies. While the MILF was publicly disappointed with the talks' outcome, it has resolved to keep discussions moving forward. The parties plan to reconvene in Kuala Lumpur February 18-19 for another round of talks. End Summary.

IN DRAFT PAPERS, PARTIES' POSITIONS FAR APART

¶2. (C) Negotiators from the Philippine government and the southern Philippines insurgent group Moro Islamic Liberation Front (MILF) met January 27-28 in Kuala Lumpur to exchange their respective drafts of a final peace agreement. Philippine Peace Panel Chairman Rafael Seguis said in a February 2 meeting with the Charge d'Affaires that the parties' positions were too far apart to allow for a comprehensive settlement by the end of President Arroyo's term in June. The government's 17-page draft, he said, identified concrete issues that could be addressed in the near term through executive actions or congressional legislation. The government's proposal fell far short of the MILF's expectations, Seguis noted, but adhered closely to the limits imposed by Philippine law and the Supreme Court.

¶3. (C) In contrast, Seguis noted, the MILF's much lengthier draft addressed the governance structure of the new autonomous region and the expanded territory to be included in it. The MILF's proposal also sought a firm commitment -- before the signing of a comprehensive peace agreement -- that the government would eventually make efforts to amend the

Philippine Constitution to establish the new Muslim autonomous region. However, citing the established process for constitutional amendments, which must originate in Congress, Seguis said the government could not make that commitment. After an initial, brief joint session the first day, the parties conducted "proximity talks" -- in the same building but different rooms -- at the request of the MILF, an expression of the group's sharp disappointment in the government's proposal.

"CAUTIOUSLY OPTIMISTIC" FOR INTERIM AGREEMENT

¶4. (C) Chairman Seguis told the Charge that, despite the distance between the two texts, he was "cautiously optimistic" that the two sides would be able to put together an interim agreement based on a smaller number of consensus areas, and that the MILF would agree to such an arrangement. In a January 28 joint press statement released by the Malaysian facilitator, the parties agreed to "preserve gains," continue to review texts, and meet again on February 18-19. At the next meeting, Seguis said he hoped to acquire clarification on some of the MILF's proposals, including the nature of the relationship between the new autonomous region and the central government. Moving forward, Seguis said the government would remain focused on deliverable outcomes, such as the nomination and appointment of Muslims to the courts, the scaling down of military presence in Mindanao, and a proposal for the fiscal autonomy of the new region.

MILF'S VISION OF GOVERNANCE

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¶5. (C) In contrast to the more limited scope of the government's draft text, Seguis said the MILF's vision for the final peace agreement was much broader, and included some details about a "state-within-a-state" model for the new Muslim autonomous region under the Philippine Constitution. The territory would be governed by a parliamentary system with sectoral representatives for all constituencies residing within its boundaries, including non-Muslim indigenous tribes. Members of parliament would elect a "Chief Minister," and the MILF would appoint a governor to lead the executive branch. A judiciary based on Shari'a (Islamic law) would form the third branch of government.

INTERNATIONAL CONTACT GROUP PLAYS A ROLE

¶6. (C) The International Contact Group (ICG) members were present at the talks and, according to Chairman Seguis and The Asia Foundation Country Director Steven Rood (protect), they played a useful role in supporting the procedural aspects of the negotiations, particularly after the disappointed MILF panel members declined to meet in the same room with their government counterparts. During the proximity talks, the Malaysian Facilitator Datuk Othman and ICG members shuttled between the two rooms to encourage the two sides to keep communicating.

COMMENT

¶7. (C) While the two parties did not make any breakthroughs at the talks, their commitment to meet again in February underscores how each side is aiming for some sort of concrete achievement before President Arroyo leaves office. However, each side appears to believe they have an upper hand in negotiations, perceiving the other side to be more pressed by time -- and constituencies -- to substantiate progress in the talks. Seguis told the Charge it was in the MILF's interest to negotiate quickly, before a President more hostile to the MILF could be elected. The MILF, for its part, has told Embassy officials that the next generation of Muslim "Moro"

leaders are prepared to carry on their struggle, and the peace talks, for as long as necessary to obtain the peace agreement they feel they deserve. This brinkmanship makes even an interim agreement problematic, despite continuing U.S. and other international pressure on both parties.

BASSETT